

PUTTING AUTHORITIES TOGETHER TO DEVELOP GENERAL RULES

We have 3 authorities to use: State v. Shack, Jacques v. Steenberg, and the fire hypothetical. Here is how we can use all 3 authorities to build a more general rule about the right to exclude people from your land. Here's what we know from all 3 together:

Landowners have the right to exclude people from their land. (See Jacques v. Steenberg.)

The right to exclude people from your land, however, is not an absolute right.

For example,

1) the court in State v. Shack did not find a right to exclude when it would have operated to give the landowner control over someone the landowner invited on the property.

2) In addition, a court would not find a right to exclude if that would cause someone to die in a fire

What have I done here? I have taken 3 authorities and put them together to develop a more general rule.